



City of Carmel

CARMEL PLAN COMMISSION

September 19, 2006

Minutes

The regularly scheduled meeting of the Carmel Plan Commission met September 19, 2006 in the Council Chambers of City Hall, Carmel, Indiana. Members in attendance: Jerry Chomanczuk; Dan Dutcher; Kevin Heber; Mark Rattermann; Rick Ripma; Carol Schleif; Steve Stromquist; Madeleine Torres; Susan Westermeier, thereby establishing a quorum.

The minutes of the August 15, 2006 meeting were approved as submitted.

Department of Community Services Staff in attendance: Mike Hollibaugh, Director; Matt Griffin, Adrienne Keeling, Christine Barton-Holmes, City Planners. Also present, John Molitor, Legal Counsel.

Department Announcements: The following items have been Continued to October 17: Item 2H, Guerrero Property PUD; Item 3H, 10403 Pennsylvania Street Rezone; Item 10H, Old Meridian Place; Item 2I, Midtown Village PUD; Item 4I, Townhomes at Central Park.

H. Public Hearings:

1H. Docket No. 06080022 OA: Carmel Dr – Range Line Rd Overlay Amendment

The applicant seeks to Amend the Zoning Ordinance, *Chapter 23F: Carmel Drive – Range Line Road Overlay Zone*, in order to extend the sunset provision.

Filed by the Carmel Department of Community Service.

Present for Petitioner: Adrienne Keeling, Department of Community Services, City of Carmel. Briefly, the proposal amends the Sunset provision in Chapter 23F to extend the Carmel Drive/Range Line Road Overlay from December 31, 2006 to December 31, 2007.

The results of the Overlay have been positive for the corridor. The Department is requesting that the Overlay remain in place until a proper plan can be set forth.

Members of the public were invited to speak in favor or of opposition to this petition; no one appeared and the public hearing was closed.

At this time, the Department is recommending that this Amendment be forwarded to the City Council with a positive recommendation.

Susan Westermeier made formal motion to suspend the Rules of Procedure, seconded by Madeleine

Torres, Approved 8 in favor, one opposed (Rattermann.)

Dan Dutcher made formal motion to forward **Docket No. 06080022 OA, Carmel Drive – Range Line Road Overlay Amendment** to the City Council with a positive recommendation, seconded by Steve Stromquist, Approved 7 in favor, two opposed (Heber, Ripma.)

2H. Docket No. 06010003 Z: Guerrero Property PUD – CONTINUED TO OCT 17

The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.

The site is located at the northwest corner of Towne Road and 131st Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

3H. Docket No. 06050004 Z: 10403 Pennsylvania Street Rezone – CONTINUED TO OCT 17

The applicant seeks to create to rezone property from R1 to B5.

The site is located at 10403 Pennsylvania Street and is zoned R1 within the Home Place Overlay.

Filed by Marshall Andich (owner).

4H. Docket No. 06060023 DP/ADLS: Bill Estes Pre-Owned Facility

The applicant seeks to construct a new, 9,350-square foot, pre-owned vehicle sales facility. Variances for signage, landscaping, and bufferyards will be filed.

The site is located at 4102 West 96th Street and 9884 Michigan Road, and is zoned B-2.

Filed by Mary Solada of Bingham McHale LLP for Bill Estes Chevrolet

Mary Solada, attorney with Bingham McHale appeared before the Commission representing the applicant. Also in attendance: Alan Tucker and Mike Moynahan, CSO Architects; Ashton Fritz, Schneider Engineering.

The proposal is for a redevelopment of the northwest corner of US 421 and 96th Street. There is an existing, older building that the petitioner is proposing to raze as well as a Mid-West Scuba building located immediately behind the older building that will also be demolished. A new sales facility is being proposed for pre-owned vehicles for Bill Estes.

Bill Estes has a Chevrolet dealership that is actually in Marion County, the southwest corner of 96th and US 421. The building was built in the 1980's. The challenge has been connecting the two buildings visually in terms of creating some sort of "campus" so that the customer and the public can identify that the two are under the same ownership and management, and at the same time, meeting stringent requirements of the 421 Overlay Zone.

The proposed structure is "Italianate" and uses materials similar to those in the existing building south of 96th Street—in all other respects, it does attempt to meet the Overlay requirements. It is a two-story structure with a heavy cornice line, substantial columns, and arched entryways. Some of

the existing pavement will be removed as well as curbing. The petitioner has met at least twice with the Urban Forester and the petitioner intends to enhance the greenbelt. The goal is to add a number of landscaping elements.

In addition to trying to create a sense of campus, there is an easement for drainage and utilities that runs north and west of the building. Because the utilities companies will not allow planting within the easement, alternate areas must be utilized that will still meet the percentage of plantings and types of materials required by the Ordinance.

The petitioner has filed for variances that relate to decreasing the bufferyard on 96th Street, the additional 6 feet of screening around the parking lot as well as the front and side yards. The petitioner stated that he has tried hard to make up for landscaping elsewhere on the site for the fact that they would like to have some visibility of the cars, particularly at the corner of the site.

The windows cannot exceed more than 75% of the first floor façade; the petitioner exceeds the 75% because they are showroom. The Ordinance was probably not designed to address the needs of an automobile showroom. The projection/recession variances will be sought; lighting is an issue to be talked about at committee. There are some existing light poles the petitioner would like to maintain. In terms of signage, the petitioner is seeking two signs: one sign would say “Bill Estes,” the other sign would say “Pre-Owned Facility.” The total square footage of signage does not exceed the Ordinance, but the number of signs does.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report: The discussion points to focus on at Committee are outlined in the Report. The Department is recommending this item be sent to Special Studies Committee on October 3, 2006 for further review and discussion.

Dan Dutcher noted that there are a lot of variances associated with this request.

Matt Griffin recommended reviewing this project as if it had no variances. This should not be viewed any differently than any other DP/ADLS seen in the past two years.

Rick Ripma commented that this is a critical corner for Carmel. When you are selling cars, you do need visibility.

Susan Westermeier asked that a picture of the existing facility on the south side of 96th Street be brought to Committee along with a view of the corner.

Carol Schleif did not agree with terming the proposed structure “Italianate.” The building does not have the properties of Italianate architecture. The concern is that there is an Overlay, standards have been set, and there is current construction that complies with the Overlay. The campus approach makes sense, but what will happen is that from 96th Street north it will comply with the Overlay; right now it looks like a major improvement, but as we move forward, the building will not fit in. Maybe the change should happen now—the building you are trying to match is 25 years

old. Another thought might be that if a new building is built that does conform, the new cars could be shown in the newer building and the pre-owned in the older, existing building.

Mary Solada responded that swapping the sites had been explored. The site in Marion County is much larger and swapping would not work. Ms. Solada was unsure whether or not a car dealership could technically meet the Ordinance and be successful in business.

Rick Ripma reminded the Commission that there is a car dealership on Michigan Road (Ed Martin Pontiac GMC Buick) that is nothing like what is proposed for a dealership; it meets the Ordinance and seems to be doing well. Also, this location is a critical corner and visibility is a key, however, there should be some kind of commitment as far as not parking cars on the grass.

Dan Dutcher suggested the petitioner not only look at Ed Martin regarding landscape and buffering but other car dealerships within Overlays—CarMax comes to mind.

Docket No. 06060023 DP/ADLS, Bill Estes Pre-Owned Facility was referred to the Special Studies Committee meeting for further review on October 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

5H. Docket No. 06070008 DP/ADLS: Pennwood Professional Office Park.

The applicant seeks to construct two, 2-story office buildings, on a 4.11-acre parcel. The site is located at 11505 North Pennsylvania Street and is zoned B5.
Filed by E. Davis Coots of Coots, Henke, and Wheeler.

Dave Coots, Coots Henke & Wheeler, 255 East Carmel Drive, appeared before the Commission representing Wolfson Young, owners of the property located at 11505 North Pennsylvania Street, just south of 116th Street. Also in attendance: Mike DeBoy, DeBoy Land Services.

Immediately north of the site is the Police and Firemen's Insurance Association building; immediately south is the Trammel Crowe II 32,000 square-foot building—one story buildings—divided from the site by a detention pond area.

The petitioner seeks approval to construct a 39,840 square-foot, two-story office building that will be located between the Police and Firemen's building and the Trammel Crowe buildings to the south. The development plan is geared to utilize the drainage facility engineered for the overall tract when it was a single parcel before the construction of the Police & Firemen's building and the Trammel Crowe buildings. To the west is the Penn Mark Building; to the north is the Police and Firemen's building and 116th Street; to the east is Washington Boulevard and a residential area to the east that is buffered by landscaping along Washington Boulevard. The intent is to leave the vegetation as is and even add vegetation in certain areas.

The site plan shows the facility entering off Pennsylvania by the existing entrance that goes farther south to the Trammel Crowe areas. The site development will be to access via the textured, concrete drive that will also, by an access easement, access the Police and Firemen's Insurance Assoc. Off of the access drive is a rolled curb and there will be parking in this area as well as parking that goes to the south and east of the building.

As indicated, the landscape plan has been submitted to Scott Brewer, Urban Forester, who has requested that some landscaping in a utility easement be re-located and the petitioner will do that. Scott Brewer has also requested that additional landscaping be supplied in certain areas as a buffer to the residential neighborhood to the east.

The architecture is a two-story building made of pre-fabricated masonry units. The building appears as dense, sandstone, concrete material. The material is colored as manufactured; the frame for the glass will be the anodized aluminum material. The lighting for the site will consist of a number of 20 to 24-foot tall parking lot structures. On the face of the building, there will be wall sconces approximately one-half the height of the building to illuminate the sides of the building.

The petitioner will present to the Committee the signage request. Because the property has frontage on Pennsylvania and frontage on Washington, the intent is to request a monument sign at the entryway for identification of the building and a wall sign that meets the Ordinance, texture and materials would be compatible with the color of the building materials for a major tenant.

The petitioner will respond to the Department Report at the Committee level.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Public Remonstrance/Unfavorable

Mark Walbreck, on behalf of what Mr. Coots has referred to as the Trammel Crowe property. The property is now owned by Pennwood 1 and 2 directly adjacent to the proposed property to the south and is part of the Pennwood Development. Mr. Walbreck said he had not received notice of the public hearing. The petitioner has provided the calculations for the shared retention pond. The concern is that this is a shared pond whereby we physically own part of the pond, not just by easement. There should be a shared maintenance agreement to make certain the pond maintains its integrity beyond the approval of the Commission and for many years forward. There is also a concern that the initial report from the City talks about an expansion of the drainage retention facility – as owner, no one has notified us that they intend to start digging. It is pretty relevant to point out that the existing materials of the three other buildings have obviously had a lot of thought given regarding materials and colors. The existing buildings are brick, dark and lighter red, and accent colors. Another concern is the name of the facility—Pennwood. The 30-foot tall pine trees are being replaced by asphalt. The last concern is the traffic pattern—would prefer that it be kept out of the egress area.

The public hearing was then closed.

Jerry Chomanczuk asked the Department to double-check the public notice to adjoining property owners.

Dave Coots felt that comments by Mr. Walbreck could be addressed and shared with the Committee. Procedurally, the petitioner obtained a list of names of adjoining property owners from the County Auditor's Office in land mapping and transfer and those property owners were sent

certified mail notices.

Mark Rattermann asked the Petitioner to bring a better aerial showing the site and the adjoining property so that ingress/egress can be easily seen.

Carol Schleif noted that the shape of the pond would change. The 30-foot pre-cast panels add to the “boxiness” of the building. Would there be any way to change the roofline, such as a penthouse, so that it does not look like a box?

Kevin Heber thought the building looked like a prison facility—the flat roof and the mullions.

Jerry Chomanczuk referred to the property to the north and asked about connectivity in the form of a sidewalk. The petitioner said he is obligated to construct a multi-purpose path along Pennsylvania. There is nothing showing as a pedestrian connection—the petitioner will address that with the owner.

Jerry Chomanczuk also said that with the pond and the green space, it would be a nice area for outdoor seating, benches near the building. It is also a surprise that no residents to the east of this property have shown up to remonstrate—there is little provision for buffering along the road immediately to the east.

Dave Coots stated that there is a required 30-foot landscape buffer between the B-6 zone that adjoins the R-1 zone; the petitioner will maintain that landscape buffer.

Rick Ripma commented that the building is not attractive at all and should at least match or blend with the existing buildings in the neighborhood.

Docket No. 06070008 DP/ADLS, Pennwood Professional Office Park was referred to the Special Studies Committee for further review on October 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

6H. Docket No. 06080007 PP: Clay Estates

The applicant seeks to plat 4 lots on 2.84 acres.

The applicant seeks the following waivers:

06080008 SW: SCO Chapter 6.03.20 Private Streets.

06080023 SW: SCO Chapter 06.03.22 Accel. / Decel, Passing Lanes: request to waive requirement of construction acceleration, deceleration and passing lanes.

06080024 SW: SCO Chapter 08.09.01: Alternative Transportation: request to waive requirement of internal sidewalks.

06080025 SW: SCO Chapter 08.09.02: Alt. Transportation: request to waive requirement of perimeter path.

The site is located on 126th Street between Spring Violet Place and Sugar Cay Court, and is zoned S1 and S2.

Filed by Gary Murray of The Schneider Corporation for Robert E. Stein of the Stein Investment Group.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Plan Commission representing the applicant. Also in attendance: Mike and Bob Stein of the Stein Investment Group, and Gary Murray, Schneider Corp.

The Stein Investment Group has filed a primary plat application to develop a four-lot subdivision to be known as Clay Estates. The site consists of approximately 2.84 acres and is located south of and adjacent to 126th Street directly across the street from Clay Junior High School. The lot closest to 126th Street is identified as lot No. 1 and contains an existing home and that home will remain. Lot No. 1 is zoned S-1 under the zone map. Lots 2, 3, and 4 on the southern portion of the site are zoned S-2 and these three lots have been designed to comply with the S-2 lot standards. The intention is for these three lots to be custom home sites with anticipated price range between \$500,000 to \$800,000.

The petitioner is seeking four waivers associated with this particular request. The first waiver relates to a private driveway off of 126th Street to serve the site. It would be a private drive, but it would not be gated. Because of the small number of lots, the petitioner is seeking a waiver from the requirement that the site be served by a public street.

The second waiver is associated with the first. Under the Subdivision Control Ordinance, when a public road serves a subdivision, sidewalks on each side of the street are also required. Because the petitioner is seeking a waiver for a private drive, a waiver is being sought for sidewalks to serve the driveway entrance to these three lots.

The third waiver request relates to the area adjacent to 126th Street on the northern portion of the site. The Subdivision Control Ordinance requires that subdivision entrances have an acce/decel or passing blister lane. Again, because of the few number of lots, the petitioner is seeking a waiver for that particular requirement.

The final waiver relates to the requirement under the Subdivision Control Ordinance requiring a multi-use path adjacent to the subdivision along 126th Street. There is an existing concrete sidewalk that runs the southern portion of 126th Street. The City of Carmel has spent money in constructing the sidewalk connection adjacent to the property and in talking with the Dept., it was felt that if the petitioner tore out the concrete that the City installed and put in a small segment of multi-purpose asphalt path, it would be the only segment of multi-purpose path along this segment of sidewalk.

Although not required, a neighborhood meeting was conducted. The meeting was well attended and was felt to be productive. Concerns and questions were posed by the neighbors; one of the primary discussion points was the existing tree cover that runs along the perimeter of the site, both along the western, southern, and eastern property line. The perimeter bufferyard ordinance requires a ten-foot perimeter bufferyard area and within that area, the petitioner is required to incorporate a certain amount of landscaping as far as shade trees, shrubs, etc. Because of the existing trees on the site, Gary Murray and Mike Stein met with the City Urban Forester and walked the site. A visual assessment was done. The number of trees and plantings seen on the property seem to easily satisfy the planting requirement because in some areas, there is a lot of growth. Because this is a small, custom development, it is in the Steins best interest to preserve as many trees as possible within the 10-foot area to maintain a visual screen and also to enhance their ability to market this as a custom

home-site development.

The petitioner will be prepared to respond to the Department Report at the Committee level.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Public Remonstrance/Unfavorable/Organized:

Annette Broadman, Attorney representing Josette and Chris Rathman, 5136 Windstone Drive, Bayhill Subdivision, whose one, overall concern is property value. Other concerns: the size and type of homes, drainage, concern for the trees along their north property line, location of the dry retention because of tree roots. Request that covenants be considered with adjacent homeowners regarding the tree line.

Remonstrance/Unfavorable/Individual:

Maureen Mahoney, 12562 Spring Violet Place, expressed concern with property value; Ms. Mahoney's home is zoned S-1 and she would like to see that remain. Drainage is a concern. Perimeter path would cause safety issues for children in Bayhill who are required to walk to school—there may be a need for another cross walk. Another issue is the private street—it seems as if at least two of the nine conditions are requested waivers. Buses, fire trucks, etc. will not be able to access the cul-de-sac in case of emergency. Regarding the buffer, Ms. Mahoney said there is not a buffer of the petitioner's trees on all surrounding parcels. Ms. Mahoney requested that professional, detail plans addressing all of her concerns and issues adequately be submitted to her before the application is approved.

Sheila Heffern, Bay Hill, was concerned with the number of homes proposed (4) in the small area with adequate architectural design to match the neighborhood.

Deeka Moore, Bay Hill, submitted a letter to the Department. Concerns include buffer, (should be exclusive of any trees in Bayhill) drainage, and traffic.

Steve Langton, 12501 Spring Violet Place, concerned with home values. If the petitioner can build homes that are \$500,000 to \$800,000 we would all be ecstatic. The lot has a tiny little access point—the front of the house will face one of the neighbors. Regarding the variances, the private street at the width they are talking about would not provide any space for construction workers to park nor would it provide space for guests to park once the homes are completed. There is a slight hill on 126th Street and the entrance to this neighborhood is not easily seen—the safety issue needs to be addressed. Landscaping & drainage are a concern. Mr. Langton requested that the petitioner improve the drainage that is going to the east--not where it was intended or where it was going when Brenwick developed Bayhill. The dry retention pond is proposed exactly where the bulk of the trees are.

Terry Cody, neighborhood homeowner and former middle school teacher, said that this is an opportunity to remedy a problem. There are currently a lot of children who cut through this property to/from school because Bayhill has a privacy fence that runs the length of 126th Street, except for this immediate area. If the property was fenced with a privacy fence, the students could

no longer cut through and would have to cross at the guard crossing.

Jerry Chomanczuk announced that the public hearing was now closed; however, additional public input may be accepted at the Committee level.

Jim Shinaver commented that the private drive and cul-de-sac were a part of the TAC review process; Gary Hoyt, Fire Dept., reviews these types of proposals. Gary Murray has exchanged information with Gary Hoyt and a diagram submitted. The petitioner is in the process of making certain of Gary Hoyt's approval of the design. Regarding drainage, this is also a part of the TAC review process. There were some questions regarding the perimeter bufferyard area that suggested the petitioner was going to utilize property that did not belong to them for the bufferyard—this is not the case and may be just a misunderstanding. The petitioner will be prepared to continue to discuss this at the Committee level.

Mark Rattermann would like to see covenants on this development. Private street/maintenance needs to be handled on this—the covenants should also stipulate the sizes of residences, etc. The standard stuff would appease many of their concerns regarding architecture and ease a lot of the neighbors' concerns. Interior sidewalks are also a concern.

Jerry Chomanczuk was concerned with traffic—primarily the hill/dip in the road—and would like the City (Dept.) to look at it very carefully. Anything that takes out the requirement of an accel/decel lane that is so proximate to such a heavily trafficked school zone is a major concern. Regarding buffering on the eastern border of the proposed subdivision—would like to see the Urban Forester's recommendations. Perhaps the petitioner could respond to the envelope/square footage of the buildings. Jerry Chomanczuk referred to a letter from Mr. & Mrs. Dewey regarding lot lines; Jim Shinaver will respond.

Matt Griffin clarified that the Department would like the petitioner to identify what the lot setbacks are and if they are going to preserve trees on the lots, take it out of the envelope and show an approximate place where these homes will be built.

Jim Shinaver responded that conceptually, they could project a reasonable location where a home would be, but the concern is creating a precedent that the location would be exactly where the home must be. A custom homebuilder may look at the site a little differently and reconfigure. The petitioner will meet with the Engineer to see what can be done.

Jerry Chomanczuk referred to a letter from Mr. & Mrs. Dewey regarding an erroneous representation of the property line; this also leads to questions as to where the drainage area will be.

Matt Griffin responded that it is an error in the aerial photograph and the actual plat does not portray the property as such—the lines have been stretched too far—it is a mistake. The exhibit needs to be revised to portray the property as it is in the other information.

Carol Schleif thought that the lots looked unfairly divided—there is one large lot, and an area divided into three smaller lots.

Dan Dutcher noted that there is clearly a lot of work to do here. Regarding buffering—would like to see a tree preservation plan, likes the idea of addressing architectural standards and agrees with comments made by Mark Rattermann regarding covenants. Private road would NOT be constructed to City standards? Jim Shinaver responded that the private driveway width would not be to City standards, however, the construction of the road would be to City standards as far as building materials. Dan Dutcher would like to see the street standards and architectural detail.

Matt Griffin confirmed that technically, you could cut this property into four parcels, each having 50 feet of frontage on 126th Street—they would be oddly shaped lots, but it could be done. It is not preferred; obviously the City would not want four curb cuts onto 126th where one would serve.

Docket No. 06080007 PP, Clay Estates was referred to the Subdivision Committee for further review on October 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

7H. **Docket No. 06080009 DP/ADLS: Portrait Artist Studio**

The applicant seeks to convert a residential property into a commercial use.
The site is located at 420 N. Range Line Road and is zoned B5 within the Old Town Overlay.
Filed by Marie Moorcroft (owner).

Marie Moorcroft, 420 North Range Line Road appeared before the Commission representing the applicant. Ms. Moorcroft is hopeful of constructing a parking lot for commercial use. Ms. Moorcroft operated Carmel Portrait Studio for 15 years at Keystone Square Mall and subsequently at 531 North Range Line Road.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin: A short list of items to be resolved is specified in the Department Report. These items can be discussed at the October 3rd Committee.

Jerry Chomanczuk asked about signage—the petitioner said there is nothing existing, however, signage that was utilized at 531 North Range Line does comply with the Overlay and that signage will be used.

Docket No. 06080009 DP/ADLS, Portrait Artist Studio was referred to the Special Studies Committee for further review on October 3rd, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

8H. **Docket No. 06080010 PP: Meridian Technology Center-Strategic Marketing & Research**

The applicant seeks to plat 2 lots on 4.5 acres.
The site is located at 117th Street and College Avenue and is zoned B2.
Filed by Mark Monroe of Wooden & McLaughlin LLP for REI Real Estate Services, LLC.

NOTE: Heard with item 1J under New Business.

Mark Monroe, attorney, Wooden & McLaughlin, One Indiana Square, Suite 1800 appeared before the Commission representing REI investments in their continuing development of the Meridian Technology Center located near the intersection of 116th Street and College Avenue. Also present: Darren Stephenson, REI Director of Development; and Ashton Fritz, project engineer with Schneider Engineering.

The site is located at the northwest corner of 117th Street and College Avenue, just north of the intersection of 116th Street and College. The site is approximately four acres in size and is the subject of the Primary Plat. The second item is a corporate office building for Strategic Marketing and Research, and is approximately 1.2 acres in size. The office building is two stories and contains 12,000 square feet with corresponding parking and generous landscaping.

The landscape plan approved by the Urban Forester consists of 51 trees, 162 shrubs, and over 500 perennials, ground covers, and prairie grasses. The lighting plan contains two different fixtures: one for the parking lot—a decorative ballard light that runs from the entry to the building. The architectural renderings of the building were shown as well as the ground signage.

The building consists mostly of brick, cast stone and cement board siding. The material samples were displayed to the Commission. The ground monument sign is red brick, 12 square feet in size; one at the corner of 117th & College, and one at the entrance off 117th Street.

The primary plat shows two lots: one at the corner of 117th & College, the location of Strategic Marketing & Research, and Lot 2, future development to the north that is approximately 2.3 acres. The petitioner stated that all remaining TAC issues had been addressed.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin: There are no outstanding concerns with the Primary Plat. There are three items that the Department deems as necessary commitments for the approval of the primary plat. Unless there are additional concerns for the platting, the Department would approve waiving the Rules and voting on this item this evening.

Item 1J, the ADLS portion listed under New Business, only requires ADLS approval, since it is in the B-2 Zone.

The applicant has done a good job of addressing the Department's concerns. The three items listed previously as concerns: The landscape plan—now approved; Engineering comments have been folded into the primary plat and reflect the three commitments outlined; the HVAC will be screened on the rooftop; and details and samples have been supplied this evening.

Jerry Chomanczuk comments: This particular project puts excessive parking on College—fully visible and fully opposite the new Equicor commercial development to the east that will also have parking in front of their buildings.

Matt Griffin commented that the building is actually pulled up to the 117th Street right-of-way and the parking is put to the side, in this case, along College Avenue. It is a question whether or not the development is served better by being on College Avenue or 117th Street.

Jerry Chomanczuk continued his comments. Directly opposite the access point is the Peter Rabbit Nursery School. We need to be extremely careful as to how this is laid out with the traffic, school buses, etc. sharing this roadway. Thirdly, this parcel is part of Meridian Technology Park that has an association of several members, including Duke, Conseco, Ingersol Rand, and others—new investors who have bought into Meridian Technology Park. Were association members notified—we need to make sure that all covenants and restrictions are observed.

Carol Schleif—suggested that a provision be included for the installation of in-board siding **by** certified installers. Carol had some architectural issues based on this particular style—would like to see more detail and craftsmanship. Regarding the canopy in the front—the pergola is steel—in other parts of the building, the pergola is wood. The steel is out of place for this particular style of building—suggest the petitioner try to match. Also need to break up the wall on the north elevation. On the south elevation is a little more of the same. However, love the roof—it is not a box.

Kevin Heber, regarding the orientation of the building and buffer—looks good but wasted on the parking lot. Suggestion would be to turn the building so that it faces a street—either College or 117th Street.

Jerry Chomanczuk asked if sidewalks or multi-use paths had been discussed at the TAC meeting.

Matt Griffin responded that a multi-use path or sidewalk would be required on College with a connection from the path to the building; bicycle parking is also required.

Docket No. 06080010 PP, Meridian Technology Center, Strategic Marketing & Research, AND Docket No. 06080003 ADLS, Meridian Technology Center, Strategic Marketing & Research were referred to the Special Studies Committee for further review on October 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

9H. **Docket No. 06080014 DP/ADLS: Renaissance Hotel**

The applicant seeks approval to construct a full-service hotel.

The site is located at 11911 N. Meridian St. and is zoned B-6/Business within the US Hwy 31 Corridor Overlay.

Filed by Paul Reis of Bose McKinney and Evans LLP for W & H Realty.

Paul Reis, attorney, Bose McKinney & Evans, 600 East 96th Street appeared before the Commission representing the applicant. Also present: Keith Dobbs, President and Chief Operating Officer of Weingardner & Hammonds, Inc.; Terry Danmeier, Senior Vice President of Construction; Jeff Figel, Project Architect.

Weingardner & Hammonds, Inc. has more than 45 years of experience in the business of full service hotels and conference facilities. Weingardner & Hammonds is proposing the first, full

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service hotel and conference center within the US 31 Overlay Zone immediately adjacent to US 31 on a site that is located immediately west of the intersection of 122nd Street and Pennsylvania Street.

The proposed development of 263 hotel rooms and 14,000 square feet of conference and meeting space addresses a critical need for the continued development and success of the US 31 corridor and fulfills the specific goal expressed by the City Council in changing the Overlay Zone Ordinance to permit only full service hotels within the corridor.

Keith Dobbs then addressed the Commission and shared a brief history of the Company and Hotel, the locations, and some of the awards the Hotel has won.

Terry Danmeier, Sr. Vice President of Construction then addressed the Commission. The project location is at the intersection of 122nd Street and Pennsylvania Street and consists of 7.96 acres adjacent to US 31 and within the US 31 Overlay Zone. Public notice has been correctly given to all of the neighbors. There is a main entrance drive off of the intersection at 122nd and Pennsylvania. Parking is distributed for the restaurant entry, the restaurant, and front of the facility toward the ballroom and meeting room spaces, and parking throughout the southern area with its own dedicated entrance that goes to the hotel tower and elevator. There are also 20 bicycle parking spaces.

The Renaissance meets the requirement for the 90-foot build-to requirement for US 31; 20 feet for Pennsylvania; and 15 feet on the north and south elevations. There is a planting setback with 30 feet for the corner greenbelt—Pennsylvania is 10 feet, and the north and south is 5 feet. There are multiple layers of setbacks and those have all been met. There are also plantings adjacent to the building.

The overall building square footage is 189,679 feet with a footprint of 65,916 feet, broken up with restaurant, lounge, meeting space, and guest room area. There is a multi-purpose path along Pennsylvania Street that will continue and connect as the development goes north and south. The petitioner will continue to work with Department regarding exact detail and placement.

The signage on the south and north elevations of the building is 5 X 47 feet, internally illuminated, individual sign. The south elevation is seen from Pennsylvania Street, approaching from 116th Street off of US 31. The north elevation is a little less visible because of the adjoining property, the medical office building being built there and existing. The east elevation shows substantial landscaping and is adjacent to the parking lot; the west elevation faces US 31.

The building material is a combination of darker brick, accent lighter brick, and a stone feature.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; one person appeared but had comments only, not opposition.

Public Remonstrance/Comment

Tom Robinson, Carmel resident, could hear but could not see any of the presentation, since display boards were used and directed away from the audience toward the Commission. (Mr. Robinson was given an informational packet.)

Mark Rattermann expressed concern regarding what actually faces US 31.

Jerry Chomanczuk asked if there were any problems anticipated with Bopper Airways flight path in view of the 8-story hotel. Paul Reis responded that there is no problem anticipated.

Note: Wetlands on site to be given to Indiana DNR and mitigated in a wetlands mitigation site.

Docket No. 06080014 DP/ADLS, Renaissance Hotel was referred to the Special Studies Committee for further review on October 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

- 10H. **Docket No. 06080026 SW: Old Meridian Place – CONTINUED TO OCT 17**
ZO Chapter The applicant seeks the following subdivision waiver 20G.05.04 B(3)(b)
Building Footprint - request to increase maximum building footprint by 35%.
The site is located at 12852 Old Meridian Street and is zoned OM/MU.
Filed by Jim Shinaver of Nelson and Frankenberger for Centex Homes.

Note: Madeleine Torres exited the meeting at this time and did not return.

I. Old Business

- 1I. **Docket No. 05110020 DP/ADLS: Old Meridian Place**
25 acres.
The site is located at 12852 Old Meridian Street and is zoned OM/SFA.
Filed by Jon Isaacs for Centex Homes.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: Jon Isaacs and Jeff Pape, Centex Homes.

From the Staff Report, this item comes with a favorable recommendation from the Special Studies Committee and the request complies with requirements of the underlying zoning district and the requirements of the Old Meridian Overlay Zone. There are no outstanding issues with the Department, Engineering, or the Urban Forester.

The DP aspect of this proposal relates to the internal roadway system that would serve the site, the internal infrastructure, underground detention areas and other aspects within the Development Plan approval process. The ADLS request relates primarily to the western portion of the site and contains the single-family attached units or townhome units. The number of townhome units to be constructed on the western portion of the site would be 178 townhome units.

The eastern portion of the site adjacent to Old Meridian is not the subject of the current ADLS request before the Commission. The petitioner will return for ADLS approval for those particular buildings.

The petitioner states he meets all of the requirements of the zoning district and the Overlay Zone. There are no outstanding issues with the Department of Community Services, Engineering, or the Urban Forester.

Department Report, Matt Griffin: All outstanding issues have been resolved and the Department is recommending approval of the DP and ADLS as presented.

Jerry Chomanczuk asked about the actual number of units in this development—there seems to be a discrepancy between the Agenda, the petitioner’s informational brochure, and the Department Report.

Jim Shinaver clarified that the number of townhome units being constructed on the western portion of the site is 178 units. The eastern portion of the site, adjacent to Old Meridian is NOT subject of the current ADLS petition and the petitioner will return at a later date for ADLS approval for these buildings. The eastern portion contains 80 condo units above retail—an overall total of 258 units.

Jon Isaacs further clarified that the ADLS submittal showed nothing more than an artist’s rendering of what the project would look like from Old Meridian. There is a requirement in the Old Meridian District to have retail on the first floor of the buildings along Old Meridian and a mixed-use component, whether office or residential above. The mixed-use component building has retail on the first floor along with a parking area on the first floor—referred to as “podium parking” by the architects. The petitioner will return with the waiver request for the building size increase—strictly for the ability to provide under the building parking in conjunction with the required retail component. From the ADLS standpoint, the only ADLS approval we are looking for is for the townhomes, 178 units. The overall site plan could incorporate an additional 80 condominium units above the retail that would front Old Meridian. As part of the ADLS approval this evening, it is 178 townhome units plus the infrastructure improvements of a Development Plan that would incorporate that frontage of Old Meridian with the expectation that the parking lots, the buildings along Old Meridian and also the pool facility within the property would come back for ADLS approval at a later date.

Mark Rattermann asked if the proposal complies with the underlying zoning and what is being voted on this evening.

Jim Shinaver responded that the proposal does comply with the underlying zoning. What is being voted on this evening is the Development Plan relating to the infrastructure and the entry roads. The ADLS portion relates to the vertical—the townhomes reviewed through the Committee process. There are 27 acres in the entire development.

Mark Rattermann made formal motion to approve **Docket No. 05110020 DP/ADLS: Old Meridian Place**, seconded by Susan Westermeier, **APPROVED** 8-0.

- 2I. **Docket No. 06010008 Z: Midtown Village PUD – CONT. TO OCT 17**
The applicant seeks to rezone 18.82 acres from I1/Industrail to PUD for the purpose of creating mixed use development.
The site is located at 510 Third Avenue SW and is zoned I1/Industrial.
Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.
- 3I. **Docket No. 06010001 Z: Monon Townes PUD**
The applicant seeks to rezone 6.81 acres from R1/Residential to PUD/Planned Unit Development for the purpose of creating 38 doubles.

The site is located at 1001 Rohrer Road.
Filed by Ann M. Walker for Pulte Homes of Indiana, LLC.

Charlie Frankenberger, Attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: Dave Compton, Steve Schutz, and Jim White.

The subject site is approximately 7 acres located north of 136th Street between the Monon Trail on the east and Rohrer Road on the west. The original proposal was last reviewed by the Committee on May 4th and provided the original plan for 66, 3-story Georgian-style townhomes.

At the Subdivision Committee meeting in May, there were two primary concerns, one was density, the other was building height. Pulte Homes determined that essentially, it was not feasible for them to reduce density and building height. Pulte had on-going discussions with Steve Schutz and Will Wright and as a result, a revised plan came about. A conceptual drawing is included in the brochures and provides for a reduction from 66 townhomes to 38 units and a reduction in building height from three-stories to two stories.

The conceptual drawing was presented at the Subdivision Committee meeting on September 5th. At that time, it was observed that what is being proposed is different from the initial proposal and it was concluded that it might be prudent to send this proposal back to Plan Commission before it continued on the Committee process so that further, per the Plan Commission's Rules of Procedure, this amendment could be accepted and the petitioner could then continue on the Committee process. In that regard, the Committee gave a unanimous, favorable recommendation to the Plan Commission that the revised plan would be accepted as an amendment and that this item be referred back to the Committee.

At this time, the petitioner is asking that the revised plan be accepted as an amendment—not approved or any recommendation made at this time, only that the petitioner be permitted to continue in the Committee process. If this request is granted the petitioner cannot go to Committee in October because revised plans cannot be completed for submittal on Friday. Therefore, the petitioner is requesting a continuance to the November 2, 2006 Subdivision Committee.

Department Report, Matt Griffin: The Department is recommending that this item be returned to the Subdivision Committee for further review at the November 2nd meeting.

Rick Ripma reported for the Committee. Legal Counsel actually recommended returning this item to the Subdivision Committee. With the major revision, the Committee felt that this was the logical procedure.

Jerry Chomanczuk asked about the latest plan. The access drive now has townhome units to the north whereas the first actually just had the borderline. Have the residents just south of the site been notified of the proposed changes?

Charlie Frankenberger responded that the petitioner met with the neighbors in a Sunday meeting. Those who had been participating in the process are all aware of the change. The petitioner originally noticed this as a rezone from the existing classification to the PUD Ordinance. People came to the public hearing.

Rick Ripma commented that people had participated in the last Committee meeting. The revision is such a major change that this item will be opened for public input at the Committee level.

Mark Rattermann asked if perhaps another sign should be posted on the property. It may be prudent to require the petitioner to send a regular mail letter to the same notification list stating that the project has been changed substantially.

Mark Rattermann made formal motion to **return Docket No. 06010001 Z: Monon Townes PUD to the Subdivision Committee for further review on November 2, 2006** with the stipulation that the petitioner re-notice via First Class Mail to those names and addresses on the certified mail list, notifying them of substantial changes in the proposal, seconded by Rick Ripma, Approved 8-0.

4I. Docket No. 06040017 PUD: Townhomes at Central Park – CONTINUED TO OCT 17

The applicant seeks to create 87 townhomes on 8.8 acres.

The site is located at 11400 Westfield Blvd. and is zoned R1 Residential

Filed by Mary Solada of Bingham McHale for Mann Properties.

5I. Docket No. 06060018 DP Amend: Village Center/Peripheral Retail-VOWC

The applicant seeks to modify the existing site plan and Development Requirements for the Village of West Clay—Village Center and Peripheral Retail Area.

The site is located at Towne Road and 131st Street, and is zoned PUD.

Filed by Keith Lash of Brenwick TND Communities, LLC.

TABLED TO OCTOBER 17, 2006 at the request of the Petitioner

6I. Docket No. 06060016 Z: Cherry Tree Grove Rezone

The applicant seeks to rezone 20.44 acres from S1 to S2 to allow for low-density residential development. Commitments will be filed in conjunction with this request.

The site is located on the east side of Cherry Tree Road, south of 146th Street.

Filed by Matthew Skelton of Baker & Daniels, LLP.

Matt Skelton, attorney with Baker & Daniels, 600 East 96th Street. Also in attendance: Chris White, RDJ Land Development, and Mark Flegging, Baker & Daniels.

The proposed project is located on the east side of Cherry Road, just south of 146th Street. The proposal is for a custom subdivision; however this is the zoning phase of the proposal. The petitioner will return to the Commission for primary plat approval.

One of the significant modifications made to the development reflects the adoption of the City's draft architectural guidelines verbatim. It was a clear preference of the Committee that the petitioner follow what the City has put forth.

Department Report, Matt Griffin: With the commitments that the petitioner has made, the Department has no additional concerns with this project. The Department is recommending that this item be

forwarded to the City Council with a positive recommendation for the rezone.

Committee Report, Rick Ripma. The Committee liked the design; all of the major issues have been worked out and the Committee is comfortable with the proposal. The Committee voted unanimously to recommend approval.

Dan Dutcher referred to the Conservancy Lot, Lot No. 34, included in the proposed development and asked for a “heads up” on this lot.

Jerry Chomanczuk said he too, had Lot 34 as a question. In looking at the entire subdivision, the amount of open space allotted to the other 33 homes is a question. The open space is basically at the entry way and the gazebo by the detention pond. Is this within the norm, sufficient or insufficient? It seems as if lot 34 gets the benefit of all of the open space on the entire parcel.

Department, Matt Griffin confirmed that the plan proposed is well within the zoning ordinance and requirements for open space. As presented, with the combination of the conservancy lot and the spaces identified, this does meet the open space requirement. There is an allotment in the open space, ROSO Chapter, that identifies a private conservancy lot—it is a tool the petitioner can use to capitalize on the fact that there are a lot of natural amenities or trees and still sell it off as a lot—it gives them the ability to save some of the trees and some of the natural features, but also privatize it. Conservancy lots are not available for the entirety of the residents to walk around and explore, but they are there for their benefit in that it is close proximity to a large stand of trees.

Carol Schleif had asked that item A under Architectural Standards, “As architecturally appropriate” be removed because it is too vague. Under garages, front-loading garages was requested for removal and it is still in the document.

Matt Skelton responded that they had agreed at the Committee meeting to adopt the City’s draft standards in lieu of what was being proposed.

Mark Rattermann made formal motion to **forward Docket No. 06060016 Z, Cherry Tree Grove Rezone to the City Council with a positive recommendation**, seconded by Rick Ripma, Approved 7 in favor, one opposed (Schleif.)

7I. **Docket No. 06070007 DP/ADLS: 122nd & Penn Development.**

The applicant seeks to construct two, 3-story office buildings, out of three proposed buildings total, on a 27.41-acre office park.

The site is located at the northeast corner of 122nd Street and Pennsylvania Street, and is currently zoned R1 and M3, with a B3 rezone request pending.

Filed by Paul Reis of Bose McKinney & Evans, LLP for Panattoni Development, LL

Paul Reis, attorney, Bose McKinney & Evans, 600 East 96th Street, Suite 500. Also in attendance: Nathan McClure, Panattoni Development; Fred Simmons, project architect with Simmons & Assoc.; Craig Forgge, American Consulting Engineers, project engineer.

The petitioner met with the Special Studies Committee on September 5th to further review the site

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plan, landscape plan and building design in light of comments made by the Commission. At the meeting, the following issues were discussed and resolved. There were plaza areas located adjacent to the retention ponds. There were questions concerning access, improvements within those areas, and pedestrian connection to the buildings. The second was the use of a path around the ponds and a mulch path around the ponds was discussed. There was also talk of an access easement going to the adjacent properties and it was determined that the only future access would be potentially to the north and would be further discussed with Engineering. Engineering is content with what is already being proposed as far as a development plan. The fourth issue had to do with the use of bio-swales shown on the development plan—a LEED item. Following that, there was a revision and approval by Scott Brewer of all aspects of the landscape plan regarding species, number of plants, buffer areas, etc.

Also at the Committee meeting, Leo noted that Carol Schleif had wanted to review the architectural plans. Unfortunately Carol is a member of the other Committee and not a party to the Special Studies Committee. The petitioner did agree to meet with Carol Schleif and Wayne Haney to further discuss the design of the buildings. The Special Studies Committee had voted unanimously for approval.

Revised drawings were distributed this evening pursuant to the request of the Special Studies Committee. The only real change is in response to some of the design issues that Carol Schleif had—everything else has been approved and was approved pursuant to the Committee.

Mark Rattermann noted that the Committee had asked for the revisions and the petitioner is complying with that request—there is no need to penalize the petitioner.

Fred Simmons, Architect, 305 East New York Street, Indianapolis, high-lighted the revised site plan—it cleans up species and shows connectivity to the pathway around the ponds and outdoor seating areas. The use of bio-swales moves water from the parking lot into a large green area that slows the flow and helps it filtrate before it gets to the storm water system. The primary change was in Building #3. Otherwise, everything else in the site plan is pretty much the same as seen at Committee.

Department, Matt Griffin. All outstanding issues and concerns have been resolved with the newly-Submitted materials and the Department is recommending approval as forwarded by the Special Studies Committee.

Carol Schleif commented that 5 architects had looked at this development—the biggest issue is that these are “boxy” buildings and what we are trying to get away from. To ask for that would require adding another floor to break the box or do major changes to the building. We are not asking for that, but that is what really needs to be done. The LEED items are great, but those that have been done are increasing the cost of the building and that does not need to happen. Full height concrete panels pre-cast add to the box look and is typically a warehouse construction and converted to office construction here. The building needs to be designed from the user out and needs to relate to the outside. This building was brought out of a file cabinet and put on this site. Maybe we should wait for the rezone at the Council level so that Council members can have some concerns addressed.

Jerry Chomanczuk said that in discussions with Leo Dierckman, Jerry had the impression that Leo wanted approval contingent upon the newly established architectural design and review committee.

Fred Simmons responded that the petitioner does not feel that Building #2 is a box. A tenant has already been signed up to take the entire third floor of this building. This particular design was utilized based on a model that Panattoni has built in Sacramento. Currently, there is no prospective tenant for Building #3.

Paul Reis commented that this particular site is split between the M-3 and R-1 zoning. The building in the front can be built today—no rezone is needed; the M-3 zone should not be anymore. The whole community probably wants design standards, as long as they are concrete and everyone knows what they are. Directly to the east of this building are warehouses—not pretty warehouses---but they are functional and serve an important part to the City. Additional buildings have been approved on “City Center Drive” that are warehouse buildings. The petitioner has gone through this process and has basically met all the legal requirements to do this. We are on a timetable, we have a tenant, we have a contract to purchase this property, and we don’t have a lot of time to completely scrub thousands of dollars spent in design based upon what we believed were the legal standards. There is another building to be built and it will be right on Pennsylvania—we can certainly discuss design criteria for that—as long as it is appropriate and concrete, we welcome that.

Paul Reis said that the petitioner is willing to Table Building No. 3 at this time so that the Development Plan could move forward for Building No. 2.

Mark Rattermann made formal motion to approve Docket No. 06070007 DP/ALDS, 122nd & Penn Development, as amended and presented this evening with the white out of #2 with the second drawings, seconded by Rick Ripma.

Dan Dutcher moved to amend the existing motion on Docket No. 06070007 DP/ADLS, 122nd & Penn Development, by removing building No. 3 from the proposal and moving forward with building No. 2, seconded by Susan Westermeier, Approved 6 in favor, 2 opposed (Heber & Schleif.)

Mark Rattermann’s motion on **Docket No. 06070007 DP/ADLS, 122nd & Penn Development, as amended**, was **APPROVED** 6 in favor, 2 opposed (Heber & Schleif.)

J. New Business

1J. Docket No. 06080003 ADLS: Meridian Technology Center-Strategic Marketing & Research

The applicant seeks construction approval for a proposed 11,921-square foot, two-story office building and related parking.

The site is located at 117th Street and College Avenue and is zoned B2.

Filed by Mark Monroe of Wooden & McLaughlin LLP for REI Real Estate Services, LLC.

NOTE: Heard with item 8H.

Referred to Special Studies Committee for further review on October 3, 2006 at 6:00 PM in the
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Caucus Rooms of City Hall.

There was no further business to come before the Commission and the meeting adjourned at 10:20 PM.

Jerry Chomanczuk, President

Ramona Hancock, Secretary